

115 CMR 7.00: STANDARDS FOR ALL SERVICES AND SUPPORTS

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7.01: Scope

- (1) 115 CMR 7.01 through 7.10 applies to all supports and services provided by public and private providers subject to the Department's jurisdiction, except where such service is exempt through the specific language of 115 CMR 7.00.
- (2) Any services subject to regulation by the Massachusetts Rehabilitation Commission and which provide social and pre-vocational supports and work training shall be subject to the appropriate requirements of 115 CMR 7.00.
- (3) 115 CMR 7.00 does not apply to programs or facilities subject to regulation under M.G.L. c. 28A (Office for Child Care Services), such as children's group residences, foster care, day care, children's site-based respite, or emergency housing; or under M.G.L. c. 119 (Department of Public Health), such as skilled nursing facilities, acute care facilities, intermediate care facilities or health clinics; or to any facilities or programs for which another agency possesses exclusive regulatory authority.

7.02: Definitions

Home. Refers to the house, apartment, or other place in which the individual lives in the community.

Residential Supports. Refers to the routine provision of supports and services at home and in the community in accordance with an individual's ISP that are designed to foster rights and dignity, individual control, community membership, relationships, personal growth and accomplishments, and personal well-being (health, safety, and economic security). Residential supports may be provided by a public or private provider or by a person who is recruited, trained, supervised, or paid by the provider for the purpose of providing such supports either in his or her own home or in the home of an individual served by the Department.

Residential supports may be provided on a 24-hour basis or for less than 24 hours.

24-Hour Staffing. Refers to any set of supports or services which require the presence of staff at the home whenever an individual is at the home.

24-hour staffing does not refer to 24-hour supports provided to individuals by their family members.

Work/Day Supports. Refers to the routine provision of supports and services provided in accordance with an individual's ISP that are designed to support the individual in paid employment, to foster vocational skills to assist in the movement toward paid employment, to support retirement activities, or to assist the individual to gain the social and leisure skills for increased presence and independence in the community.

Individual Supports. Refers to the provision of supports, intermittent or ongoing, that assist an adult individual to achieve outcomes in rights and dignity, individual control, community membership, relationships, personal growth and accomplishments, and personal well-being, and that are not part of a comprehensive set of residential and work/day services.

7.02: continued

Family Supports. Refers to those supports and services which are provided at home on an intermittent or ongoing basis to enable the family to stay together and to be welcomed, contributing members of their home communities. These include, but are not limited to the following:

- (a) Respite Supports. Refers to family supports provided or purchased by the Department for the purpose of increasing or maintaining the capacity of the individual to remain in his or her own home. Such respite supports include the following types of supports:
- (b) Family Respite. Refers to respite supports provided in the home of the individual by a person recruited, supervised, and paid by the family.
- (c) Home-based Respite. Refers to respite supports provided by any person who is recruited, trained, supervised, and paid by a placement agency for the purpose of providing respite care either in the provider's home or in the home of the individual.
- (d) Site-based Respite. Refers to any respite supports provided by a provider in a location that is not the home of the individual or of a provider who resides in the home.

Placement Services. Refers to an agency that is contracted with by the Department to locate, recruit, train, supervise on a 24 hour basis, and pay persons to provide residential supports and services to one or more individuals in the home of the person providing the supports.

Home Provider. Refers to a person who is recruited and paid by a placement agency to provide residential supports and services to an individual in the provider's own home.

7.03: Outcomes for Individuals

(1) All providers shall assure that the supports and services they provide to individuals promote the following within the context and location of those supports and services and in accordance with the individual's ISP, the provider's mission statement, the Department's mission statement, and 115 CMR:

- (a) Rights and Dignity: Protection and enhancement of the rights of individuals, including but not limited to a focus on respect of the individual, support of an individual's culture and religion, assuring an individual's freedom of movement both at home and in the workplace, privacy, regular review of any need for assistance in decision-making, support and affirmation in the exercise of an individual's rights, safeguards whenever limitations of an individual's rights are necessitated, and assisting the individual to achieve an appearance which is appropriate to the individual's age and practices of the surrounding community, consistent with the individual's choice and preferences.
- (b) Individual Control: Opportunities for exercising control and choice in all aspects of an individual's life, education necessary to assist the individual to make informed decisions, and assurance that the individual's opinions are listened to and treated seriously.
- (c) Community Membership: Opportunities for individuals to participate in and contribute to the life of their community. Included are requirements that the provider shall:
 - 1. assist individuals to participate in integrated recreational, social, and leisure activities outside of the home in culturally typical settings and with other members of the community, consistent with the needs, desires, and choices of each individual;
 - 2. assure that individuals have access to the same community services and resources used by other people;
 - 3. provide a home that is part of a neighborhood, village, or community and that is situated among other buildings whose differences in external dimensions; proximity to the street; and general design features, layout, and style of decor do not emphasize the home's separateness or difference from the surrounding community in such a way as to stigmatize or devalue the individual. The home should offer safety, refuge, rest, satisfaction, a sense of place, and enable the individual to have ownership and control and to be at ease and prepared to receive visitors; and
 - 4. locate work supports in an employment setting whose general design features do not emphasize the supports' separateness or difference.
- (d) Relationships: Support to develop and sustain varied and meaningful relationships with family, friends, neighbors and co-workers. Included is support and education to individuals in expressing intimacy and sexuality in an appropriate and safe manner.

7.03: continued

(e) Personal Growth and Accomplishments: Training, education, supports and services necessary to meet the goals articulated in the individual's ISP. Included are the requirements that the provider shall assure the assessment, training, and supports to assist the individual to acquire skills that increase self-reliance and that are necessary for desired and valued outcomes. These include but are not limited to paid employment in integrated settings in the community and the ability to maintain and control one's home.

(f) Personal Well-Being (Health, Safety, and Economic Security): Assurances that locations where supports and services are provided are safe; individuals are free from abuse, neglect and mistreatment; health care services meet the needs of the individual; and the individual is assisted in securing adequate economic resources to meet his or her needs. Included are the requirements that the provider shall:

1. promote optimal health of the individual through arrangements for coordinated routine, preventive, specialty, and emergency health care, professional clinical services, and availability of first-aid supplies;
2. comply with the Department's regulations and related guidelines in connection with the storage and use of prescription and over the counter medication;
3. assure that when the provider arranges or provides for meals, it shall store, prepare and serve food in a clean, safe, nutritious, typical, and appetizing manner. Such providers must assure that all individuals have nourishing and well-balanced meals, provided at typical times and frequencies, of typical variety, and chosen by the individual, unless there exist medical contraindications related to the health of an individual and these have been documented by a physician;
4. assure safety and well-being in both home and work environments, including implementation of the safety plan in accordance with 115 CMR 7.08;
5. locate supports and services in a physical setting which meets all applicable local, state, and federal requirements pertaining to building construction, sanitation, health, safety, occupational health, and zoning;
6. comply with the applicable environmental requirements of 115 CMR 7.07;
7. prevent abuse and neglect, and comply with all applicable local, state, and federal reporting requirements;
8. comply with state and federal wage-hour requirements when individuals engage in any work which must be compensated; and
9. support each individual to obtain personal possessions, including an adequate supply of fashionable, seasonal clothing as necessary for the individual's health and comfort and consistent with the individual's choice and preferences, and assist each individual to maintain his or her clothing in a clean and well kept manner.

7.04: Organization Requirements

- (1) The provider shall have a mission statement that:
 - (a) supports people in reaching their goals and aspirations;
 - (b) reflects the values expressed in the Department's Mission Statement;
 - (c) is understood and carried out by staff; and
 - (d) is a dynamic document that is reviewed and revised at least every five years and more frequently if necessary.
- (2) The provider shall regularly evaluate the level of quality of its supports and services through a process that:
 - (a) actively involves individuals and families and must include, but need not be limited to, an assessment of the individual's satisfaction with the services provided; and
 - (b) is utilized to implement service improvements consistent with the outcomes delineated in the provider's mission statement and the Department's certification regulations and standards.
- (3) The provider shall establish a formal mechanism such as a governing or advisory board that provides oversight to ensure the provision of quality supports to individuals and their families and that conducts an annual performance evaluation of the provider's chief executive officer.

7.05: Capacity

(1) The capacity of each home in which residential supports are provided and of locations providing site-based respite shall be determined by the Department and may vary depending on the size, location, and other characteristics of the home; the ages, needs and preferences of the individuals; and the experience and capability of the provider, provided, however, that the capacity of the home shall not exceed four individuals. All such homes and site-based respite locations in existence and licensed as of December 1, 1995 shall be permitted to retain for the life of the original building the capacity in excess of four that was approved under the provider's license in effect as of that date, unless the Department determines that the additional individuals can no longer be accommodated in the home without detriment.

(2) Homes in which respite supports or other residential supports are provided by a person who is recruited, trained, supervised, and paid by a provider for the purpose of providing such supports in his or her own home may serve no more than three people (including individuals served by the Department), regardless of funding source, except that up to four people may be served upon a finding by the area director that no individuals will be adversely affected.

7.06: Staffing

(1) All providers of supports and services shall be subject to the following requirements:

(a) All providers shall assure that the number, organization and qualifications of staff meet the training, care, support, health, safety, and evacuation needs of the individuals served by the provider. This shall be determined by all of the following:

1. The provider's ability to meet the objectives delineated in the ISP of each individual and to assure care and safety of each individual while promoting increasing independence.
2. The provider's ability to assist each individual to achieve the quality of life outcomes delineated in the provider's mission statement, and the mission statement, and certification regulations and standards of the Department.
3. The provider's ability to meet environmental, safety, administrative, and service delivery requirements.
4. The provider's ability to meet the needs articulated in the safety plan for all individuals at the location(s) where supports and services are provided as required in 115 CMR 7.08.
5. The provider's ability to meet contract performance measures.

(b) All providers shall assure that staff receive supervision to assist them in providing supports which lead to outcomes identified in the individual's ISP. The adequacy of supervision provided to staff shall be determined by all of the following:

1. The ability of staff to demonstrate the skills necessary to assist individuals to achieve outcomes identified in the person's ISP, the provider's mission statement, and the mission statement and certification regulations and standards of the Department.
2. A level of ongoing supervision that supports staff in increasing their skills and ability to assist individuals served by the provider.
3. The ongoing staff development and training activities that are provided.
4. Training activities are tied to the specific needs of individuals served by the provider.
5. Access to technical and clinical consultation to enhance staff's ability to meet individuals' needs and desires.

(c) All providers shall have current staff job descriptions which are relevant to the education, skills, and experience necessary to assist individuals to achieve the outcomes delineated at 115 CMR 7.03.

(d) All providers shall develop and utilize staff performance evaluations to enhance supports and services to individuals.

1. Evaluations of staff performance shall be competency-based and shall assess the degree to which requirements of the employee's job description are achieved by the employee subject to the evaluation. Comments from individuals, families or guardians of individuals, or relevant external agencies shall be included in the evaluation of staff performance.
2. Staff performance evaluations shall occur at least annually.

7.06: continued

3. The results of staff performance evaluations shall be used by the provider to produce continued improvement in the skills needed by staff to enhance the lives of the individuals they serve.
 - (e) All providers shall meet the following training requirements in 115 CMR 7.06(1)(e)1., 2., and 3., including maintaining up-to-date certifications. All providers except those specifically exempted in 115 CMR 7.06(1)(e)4. and 5. shall also comply with those additional requirements:
 1. Training of staff (including relief staff) and the demonstration of knowledge and skills by staff, in safety awareness, environmental modifications to increase the safety of individuals based on their individual needs, and all aspects of the safety plan, including specific evacuation plans for individuals requiring assistance to evacuate.
 2. Training of staff (including relief staff) and the demonstration of knowledge and skills by staff and individuals, in fire safety, which shall include, but need not be limited to: fire safety techniques, evacuation of persons with disabilities, fire drills, and evacuation procedures.
 3. Training of all staff (including relief staff) in first aid.
 4. Training in fire safety of at least one staff person in each location from an approved fire safety training agency, local fire department or from the Department, such that other staff at the home or work/day support shall receive fire safety training from this person. At least one staff person who has received fire safety training must be present at the home and in the work/day service. 115 CMR 7.06(1)(e)4. shall not apply to placement services.
 5. Training in cardiopulmonary resuscitation (CPR), such that at least one trained staff person shall be present in homes providing 24-hour supports; work/day supports; and in site-based respite. 115 CMR 7.06(1)(e)5. shall not apply to homes providing less than 24-hour supports.
 - (f) All providers arranging or providing professional services or consultation shall assure that such professionals are licensed, certified, or registered if such is required by law for persons who provide such professional services to the general public.
 - (g) All providers, including providers of placement services, who are subject to 115 CMR 7.00 shall conduct Criminal Offender Record Information (CORI) checks on all persons whose responsibilities on behalf of the provider or individuals may bring them into direct contact with individuals served. Such CORI checks shall be made in accordance with applicable policy and procedures. This requirement shall include volunteers who are acting in a staff role. It shall not include persons paid by families to provide family respite.
 - (h) All providers shall comply with applicable federal and state labor laws and ensure nondiscriminatory employment practices.
- (2) Providers of residential supports for individuals must assure 24-hour staffing unless:
- (a) The needs of the individuals served as reflected in their ISP's do not require such staffing; and
 - (b) All individuals served are 18 years of age or older; and
 - (c) All individuals are capable of evacuating from the home within 2½ minutes without assistance.
- (3) Providers of residential supports where there is 24-hour staffing and providers of site-based respite shall adhere to the following staffing requirements:
- (a) Regardless of the capacity of the home, the number of staff shall be sufficient to enable all individuals to evacuate with or without assistance within 2½ minutes, without the necessity of staff who have evacuated returning, in accordance with professionally accepted fire safety procedures.
 - (b) Regardless of the capacity of the home, there shall be at least one staff person on duty (including overnight) when any individual is present at the home.
 - (c) In homes where three or four individuals live and in which three or more individuals require assistance to evacuate within 2½ minutes, there shall be at least two staff persons on duty at all times, except at such times when only one individual is present in the home.
 - (d) In homes where five or more individuals live and in which two or more individuals require assistance to evacuate within 2½ minutes, there shall be at least two staff persons on duty at all times, except at such times when only one person requiring assistance or when only those individuals who can evacuate without assistance are present.

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- (e) In homes where at least one individual requires assistance to evacuate within 2½ minutes, the required staff shall include at least one overnight awake staff person on duty during hours in which individuals are ordinarily present and asleep.
- (4) A provider shall not deviate in any respect from the foregoing minimum requirements for staff ratios unless it demonstrates that the safety needs of the individuals are otherwise adequately addressed and has received approval from the area director within the safety plan required by 115 CMR 7.08(3).
- (5) Individuals residing in homes where there is 24-hour staffing and with home providers may choose to remain at the home without staff present if:
 - (a) The individual is capable of evacuating from the home within 2½ minutes without assistance; and
 - (b) The individual is capable of taking appropriate actions to protect himself or herself in the event of an emergency; and
 - (c) Such an arrangement is approved in the individual's ISP; and
 - (d) Such an arrangement is approved by the area director and does not include elimination of overnight staff.
 - (e) The approval of an arrangement for any individual to remain at home alone does not convert a service otherwise designed to provide 24-hour staffing into one that is not.

7.07: Environmental Requirements

- (1) All homes and work/day supports must meet all applicable building, sanitary, health, safety, and zoning requirements.
- (2) The environmental requirements 115 CMR of 7.07(3) through (8) shall apply to all locations where services and supports are provided unless the requirement in question is specifically limited in scope. Such requirements shall not apply in the following special circumstances:
 - (a) when supports and services are provided in the home of the family of the individual; or
 - (b) when individuals own, rent, or lease the home. In such situations the following conditions shall apply:
 - 1. each individual is competent and capable in fact of making informed decisions about his or her living environment; and
 - 2. the decision not to follow 115 CMR 7.07 is informed and freely made; and
 - 3. the personal choice of each individual is documented in his/her ISP; and
 - 4. the ISP documents the provision of information, support, and advice to the individual concerning his or her decision, and the fact that it was both informed and freely made.
- (3) All providers must assure that the location in which supports are provided is clean, environmentally safe, free of vermin and obvious fire and chemical hazards, maintained in accordance with common fire safety practices, and of sufficient size to accommodate comfortably the number of individuals and staff it serves. Any objects or conditions that represent a fire hazard greater than that which could be expected of ordinary household furnishings shall not be permitted.
- (4) All providers must assure that a barrier-free environment is provided in those locations used by persons with substantial mobility impairment, to the extent necessary to permit access to the supports, services, personal, and common areas. A location shall be deemed to be barrier-free, in whole or part, if it meets the applicable standards of the Architectural Access Board (521 CMR) as adopted in the Massachusetts State Building Code (780 CMR).
- (5) The following environmental requirements shall apply to homes which provide 24-hour staffing supports and which are owned, rented or leased by the provider; homes which provide less than 24-hour staffing supports and which are owned, rented or leased by the provider; and homes of the "home provider." 115 CMR 7.07 shall also apply to locations providing site-based respite.

7.07: continued

- (a) Each home shall include complete living accommodations, including its own kitchen, living room, dining area, bedrooms, and bathrooms of typical residential design, which provide for group and individual needs, including opportunities for privacy in clearly defined living, sleeping, and personal care spaces and areas that are accessible and available according to individual needs to enable personal development, the development of personal relationships, and engagement in leisure activities.
 - (b) Each home shall provide physical comfort as well as a pleasing style of decor and an external appearance that is typical of other homes in the vicinity, excepting for accommodations that enhance accessibility for individuals.
 - (c) The layout of rooms shall permit ready access to common areas, with no intrusion into private bedroom areas.
 - (d) Each home shall provide conveniently located common storage adequate for a reasonable amount of individual and group possessions.
 - (e) Major environmental controls, including those for lighting, appliances, plumbing, windows, and shades shall be operable by and accessible to individuals.
 - (f) Heating and plumbing systems shall be installed and maintained for safe, healthy, and comfortable use by the individuals served by the provider.
 - (g) Heating and ventilation systems shall be adequate to maintain typical comfort levels throughout the year.
 - (h) All substances that are potentially dangerous in nature shall be stored separately from food and in containers which are accurately labeled. No flammable liquids, such as gasoline, shall be stored in the home or in spaces attached to the home.
 - (i) Lighting shall be adequate to meet the individual and group needs of persons living in the home and shall be provided in all major interior spaces, including walk-in closets and mechanical and storage rooms.
 - (j) Each individual shall be provided with bedroom space adequate for sleeping, dressing, attending to personal appearance and needs, and caring for his or her personal possessions. The bedroom shall be of sufficient size to comfortably accommodate a bed, dresser, closet space, and adaptive equipment if required, and to allow for an individual's privacy and activities.
- (6) The following environmental requirements shall apply to the following residential locations: homes which provide 24-hour staffing supports and which are owned, rented or leased by the provider; and homes of home providers. 115 CMR 7.07(6) shall also apply to locations providing site-based respite.
- (a) The bedroom size shall be no less than 90-100 square feet for a single bedroom and 130-144 square feet for a double bedroom.
 - (b) No more than two individuals may occupy a bedroom.
- (7) The following environmental requirements shall apply to homes which provide 24-hour staffing supports and which are owned, leased, or rented by the provider. 115 CMR 7.07(7) shall also apply to locations providing site-based respite.
- (a) All homes shall have two means of egress from floors at grade level; all other floors above grade level shall have one means of egress and one escape route serving each floor and leading to grade. Any proven usable path to the open air outside at grade shall be deemed acceptable as an escape route, including but not limited to connecting doors, porches, windows within six feet of grade, ramps, fire escapes, balcony evacuation systems, etc. Double cylinder dead bolt locks that require key operation from within are prohibited on egress doors.
 - (b) All homes shall have a fire extinguisher that is operable and that is located in the kitchen.
 - (c) All homes shall have approved smoke detectors in accordance with current Massachusetts State Building Code requirements. If more than one detector is required per home, each detector shall be interconnected so as to activate all other detectors.
 - (d) All vertical chutes (e.g., laundry chutes, dumbwaiters, heating plenums) shall be sealed with gypsum board or some other fire retardant material.
 - (e) Locks on bedroom doors which provide access to an egress are prohibited.
 - (f) Locks on bedroom doors which do not provide access to an egress shall be permitted only in accordance with the following:

7.07: continued

1. The head of the provider has documentation that the lock may be easily opened from the inside without a key and that the individual is able to unlock the door from the inside; and
2. At all times staff carry a key or have immediate access to a key to open the door in the event of an emergency.
- (g) Bedrooms of individuals requiring hands-on physical assistance to evacuate or who have a mobility impairment, including individuals who use a wheelchair, shall be on a floor at grade or on a floor with a "horizontal exit," as set forth in current Massachusetts State Building Code requirements for horizontal exits.
- (h) Smoking shall be permitted only under the following conditions:
 1. Staff may not smoke in the homes of individuals.
 2. Smoking shall be prohibited in bedrooms.
 3. Ashtrays of non-combustible material and safe design shall be provided in all areas where smoking is permitted.
- (8) A provider shall not deviate in any respect from the foregoing environmental requirements of 115 CMR 7.07(7) as they apply to that provider, unless the provider demonstrates that the safety needs of individuals are otherwise adequately addressed and has received approval from the area director within its safety plan as required by 115 CMR 7.08. However, providers of site-based respite may not deviate from any of the environmental requirements of 115 CMR 7.07(7) under any circumstances.

7.08: Safety

- (1) Search Plan.
 - (a) All providers shall prepare, file with the area office update as often as necessary, and have available at each location where supports and services are provided, a plan for searching for each individual served by the provider when he or she is missing and:
 1. Who remains unaccounted for after informal attempts to locate him or her have been ineffective; and
 2. Who would be deemed in a position of unreasonable risk if alone for an extended period of time.
 - (b) All providers shall maintain a completed and updated "Emergency Fact Sheet" for each individual which shall be immediately accessible to staff and filed with the area office and which shall include the information required by 115 CMR 4.03(4).
 - (c) The individual's family, guardian, service coordinator, and area office director shall be notified immediately of the initiation of search procedures.
 - (d) Local and state police and local hospitals shall be notified as appropriate.
- (2) Individual Safety Assessment.
 - (a) All providers shall assure that individual safety assessments are conducted and that strategies are developed for meeting the specific and unique safety needs of each individual. Individual safety assessments shall be conducted as part of the individual's ISP.
 - (b) The ISP and safety strategies shall be revised when the individual's health, mobility or other capabilities affecting safety and evacuation change.
 - (c) Safety strategies may include modification to the location where services are provided, other environmental modifications and use of adaptive technology, staff supports, staff training focused on the individual's needs, and education of the individual to assure optimal understanding and independence regarding safety precautions and procedures.
- (3) Safety Plan.
 - (a) All providers, except those providing family respite and home-based respite, shall prepare and file with the area office a written safety plan assuring the safety of individuals in the event of a disaster, such as fire, explosion, loss of heat or electricity, interior flooding, or any other circumstances requiring the evacuation and temporary or indefinite resettlement of individuals. Safety plans must be specific to and must be on hand at each location where supports and services are provided and easily accessible to all staff and others who provide supports and services to the individual.

7.08: continued

- (b) The safety plan shall include at least the following:
1. Safety strategies for each individual as outlined by the individual safety assessment required in 115 CMR 7.08(2).
 2. An assessment of how group interaction may affect the needs of the individuals during a fire or some other emergency.
 3. Evidence of compliance with environmental standards pursuant to 115 CMR 7.07.
 4. Use of adaptive technology, if appropriate.
 5. Sufficient numbers of trained staff to effectively implement the procedures in the safety plan.
 6. Evacuation.
 - a. Procedures for safe evacuation of individuals and staff from the location where services are provided. For homes, safe evacuation is defined as assuring that all individuals can get out of the home or any other location in which services are provided in 2½ minutes with or without assistance without the necessity of staff who have evacuated returning, in accordance with professionally accepted fire safety evacuation procedures. For work/day supports, safe evacuation is defined as assuring that individuals can evacuate in a safe, orderly and timely manner, with staff assigned to individuals needing assistance.
 - b. Specific evacuation plans for any individuals who require assistance to evacuate.
 7. Fire Drills.
 - a. Residential supports providing 24-hour staffing shall conduct quarterly fire drills with records of evacuation times and types of assistance, if needed, and assessments of individual and staff performance. At least two drills per year shall be conducted in the nighttime when individuals are in bed and asleep.
 - b. Providers of work/day supports shall conduct two fire drills annually, with records of evacuation times and type of assistance needed, if any, and assessments of individual and staff performance.
 - c. A provider shall not deviate in any respect from the foregoing minimum requirements for drills unless it has provided alternative assurances in the provider safety plan submitted to and approved by the area director.
 8. Methods to notify fire, police, and hospital facilities for assistance; on-call administrative staff; and families/guardians. The area director shall be notified as soon as possible, and in any event, within 12 hours.
 9. Provision for transportation and immediate temporary resettlement of individuals and staff in another, specified location.
 10. Provision for the continuity of appropriate supports and services within the first 24 - 48 hours of the emergency as specified in the individual's ISP pending arrangements with the Department for return to the original location or placement in other locations.
- (c) Assurances. The safety plan shall include assurances signed by the head of the provider that the plan is:
1. Implemented as written and approved;
 2. Designed to assure the safety of individuals in the event of a fire or other major incident as defined in 115 CMR 7.08(3); and
 3. Periodically evaluated for effectiveness.
- (d) Initial filing. For new supports and services, an initial safety plan is required and must be modified as the needs of individuals and group interactions are better known, but within 60 days of initial filing.
- (e) Refiling. The safety plan shall be updated and refiled with the area office no less than biannually (every two years) if no changes have occurred that warrant refiling during the two year period. A revised safety plan shall be refiled within 60 days after a change in any of the following:
1. the provider of services at a particular location;
 2. the types of supports and services provided at the location;
 3. the location where supports and services are provided;
 4. the individuals' ability to evacuate;
 5. the individuals living in the home;
 6. the individuals served at the work/day location, such that the change necessitates revision to the safety plan;
 7. the effectiveness of the plan, as determined by the Department.

7.08: continued

(f) Approval. The safety plan shall be reviewed and approved by the area director within ten working days.

7.09: Additional Standards for Respite Supports

In addition to the requirements of 115 CMR 7.01 through 7.08, all providers of respite supports shall: minimize upset and disruption of the individual's typical life patterns and enable participation in life routines in accordance with the individual's ISP; obtain a thorough knowledge of each individual's medical needs, including his or her ability to communicate health and medication needs; and take necessary actions to assist the individual in the transition between home and provider, where feasible and when requested by the individual, family, or other primary care provider.

7.10: Additional Standards for Placement Services

(1) 115 CMR 7.10 applies to providers who, under contract with the Department, pay a person (the home provider) to provide residential supports to one or more individuals in the person's own home. Such a provider shall be known as a placement agency. 115 CMR 7.10 does not apply to families or individuals who, through cash subsidy or voucher, select and manage persons who are paid to provide supports to the individual or family.

(2) In selecting the home provider the placement agency shall comply with the following:

(a) The placement agency shall assess the personal characteristics of the home provider and, where applicable, other members of the household who will be providing supervision or services, with respect to ability and appropriateness to serve the individual, as determined through interviews, review of any prior service assessments, and at least two personal references. The placement agency shall also inquire of the home provider and the personal references as to whether any reports have been filed against the provider under M.G.L. c.119 regarding abused, mistreated, and neglected children; under M.G.L. c. 19C, regarding abuse of disabled adults; under M.G.L. c. 19A, regarding abuse of elders; or under M.G.L. c. 111, regarding abuse of a resident in a facility licensed or certified by the Department of Public Health.

(b) In assessing the home provider's ability to provide supports and services to individuals, the placement agency shall consider the following factors:

1. motivation for application;
2. characteristics and number of individuals the home provider can adequately serve;
3. geographical location of the home provider's home in relation to the needs of the individuals the placement agency intends to serve;
4. ability to adjust to family changes which will occur when the individual is placed;
5. capacity to integrate the individual into daily routines and patterns of living without undue disruption;
6. flexibility to meet the individual's changing needs;
7. ability to accept the individual's relationship with his or her natural parents and other family members;
8. ability, if and when appropriate, to assist an individual to make the transition to a more independent living arrangement; and
9. previous work experience, competencies, or training in providing supports and services to persons with mental retardation or other disabilities, and relevant personal experiences.

(c) The placement agency shall assure that the minimum age for a person providing residential supports to an individual with mental retardation in the home provider's own home is 21 years, except that a person age 18 and older may provide such services if the person works under the direct supervision of someone age 21 years or older and through training or experience exhibits the knowledge and competencies noted in 115 CMR 7.10(2)(a) prior to the provision of services. The age of any person providing residential supports shall be considered in determining the appropriateness of placing specific individuals with that person, in accordance with the individual's ISP.

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- (d) The placement agency shall assess whether the home provider's employment, if any, outside the home will decrease the provider's capacity to meet the requirements of 115 CMR 7.00 and that adequate provision exists for the care and supervision of individuals during any such absences.
 - (e) The placement agency shall assess the composition of the home provider's household to ensure that the number and characteristics of other members of the household do not adversely affect either the capacity of the provider to give adequate time, energy, and attention to individuals served or the appropriateness of the environment for specific individuals in accordance with their needs.
 - (f) The placement agency shall conduct and document a review of the home of the person who may be selected as the home provider in accordance with the standards set forth in 115 CMR 7.07(1), (3), (4), (5) and (6).
- (3) The placement agency shall assure that home providers shall have sufficient pre-service and inservice training to assure the skills necessary to meet the needs of individuals served.
- (a) Prior to the delivery of services, the placement agency shall assure that the home provider demonstrates knowledge and competence in at least the following areas: the current value base of service delivery; the nature and treatment of developmental disabilities; relevant principles of care, treatment, and the provision of supports; first aid; CPR; seizure care; and fire and safety considerations.
 - (b) The placement agency shall assure that the home provider annually receives sufficient ongoing in-service training to continue to meet the needs of individuals served.
- (4) The placement agency shall execute a written agreement with the person indicating that the home provider will:
- (a) comply with all applicable state laws, standards, and regulations;
 - (b) report any changes of location, household composition, or other conditions that may affect the person's continued suitability and ability to provide supports prior to such changes or as soon thereafter as practicable, but no later than 24 hours after such changes;
 - (c) permit on-site review of the home;
 - (d) permit a representative of the placement agency and an employee of the Department authorized to conduct evaluations under 115 CMR 8.04(3) to visit the home, as often as deemed necessary by the agency or the Department, to monitor compliance with the Department's regulations. Such visits may be made at any time, with or without notice, but should ordinarily be made with prior notice and at normal hours, giving due regard to the privacy of the individuals served, family members and other residents, and to any disruption that the visit may cause;
 - (e) cooperate with the placement agency and the Department in maintaining liability insurance coverage, where applicable; and
 - (f) arrange for emergency medical treatment of the individual and for notification of the placement agency and the individual's physician, family, and guardian, if any, and service coordinator of emergencies or symptoms reasonably appearing to require medical attention.
- (5) The placement agency shall conduct an annual assessment of the skills of the home providers, with such assessment made available to the Department.
- (6) The placement agency should determine whether the home provider is the sole provider of residential supports or whether there will be shared responsibility with a spouse or other adult members of the provider's family. If there is shared responsibility, the additional person(s) must be identified and determined appropriate as a home provider in accordance with the requirements of 115 CMR 7.10(2) through (4) and all other applicable regulations.
- (7) The placement agency shall, prior to placement, determine and document the appropriateness of the placement in relation to the needs of the individual and the capacity and other characteristics of the home provider and of the home.
- (8) Prior to placement, except in emergencies in which case as soon after placement as possible, the placement agency shall furnish the home provider with sufficient personal, medical, legal, and behavioral information to enable the home provider to care for the individual. Such information shall include, at least:

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- (a) information on medication, special diets, allergies and other pertinent medical needs and the name(s) and telephone number(s) of the person(s) designated by the placement agency for the home provider to contact in the event of a medical or other emergency involving the individual;
- (b) information on the individual's work, training, school, or other supports; and
- (c) information on the individual's legal status with respect to custody (if a minor) or guardianship, and, if applicable, the name, address, and telephone number of the guardian, and specific authority, limitations, and rights of the individual in relation to custody or the guardianship.

(9) Except in emergencies, a representative of the placement agency shall participate in the first meeting of the home provider and the individual.

(10) After a placement is made, the placement agency shall visit the individual at the home to ensure its continuing appropriateness. The frequency of visits and the length of time over which visits are conducted may vary depending on the individual circumstances, but in no event shall the placement agency visit each home where residential or respite supports are provided less frequently than once monthly, unless otherwise instructed in writing by the Department.

(11) The placement agency shall, within a week after such supports initially have been provided, and at least quarterly thereafter if the supports continue to be provided, contact the individual and his/her family or other primary care provider to obtain a written evaluation of the arrangement. The evaluation shall include an assessment of the individual's and family's satisfaction with the supports and services provided by the placement agency and the home provider and with the degree to which the services meet the individual's needs.

REGULATORY AUTHORITY

115 CMR 7.00: M.G.L. c. 19B, §§ 1, 13 through 15.